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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,741	09/18/2000	Dickory Rudduck	CMM-009	5912

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EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,741

Applicant(s)

RUDDUCK, DICKORY

Examiner

Kenn Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35, 37, 38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) 4, 8, 22-35 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9-21 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Applicant should note the Examiner has determined that claims 23-26 correspond to Species VI and not Species I as indicated by the Election/Restriction requirement, paper number 6. Therefore the claims readable on the species has been restructured as shown below.

The species are as follows:

Species I Figures 1-9, 12-18, 25-44, 46-49, 52

Species II Figures 10-11

Species III Figures 19-24

Species IV Figure 45

Species V Figures 50-51

Species VI Figures 53-64

The claims are deemed to correspond to the species listed above in the following manner:

Species I Claims 1-2, 4-7, 9-21, 40

Species II Claim 3

Species III Claims 8

Species IV Claims 27-29

Species V Claims 30-32

Species VI Claim 22, 23-26, 33-35, 37-38

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Claims 23-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species VI, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

Drawings

Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,4-7,9-21 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Fink, U.S. 4,728,217

Regarding claim 1, Fink discloses in figures 1-16 a connecting means adapted to releasably fix a first element (35) second element (32). Fink discloses the connecting means including a locking means (81) movable by remote activation means (128) between a locked position in which the first element is locked to the second element and an unlocked position in which the first element is released from the second

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element. Fink discloses there is no permanent material connection between the connecting means and the remote activation means (col. 6, lines 15-45).

As to claim 2, Fink discloses the locking means is a locking pin (81) disposed in a channel (107) with a base (41) and deformable sides (111) and the locking pin is adapted to be moved within the channel by remote activation means towards or away from the base.

As to claim 4, Fink discloses the locking pin (81), the channel (107) and the base (41) are of indefinite length. Applicant should note that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

As to claim 5, Fink discloses the two locking pins each disposed in a channel with a base and deformable sides (fig 16).

As to claim 6, Fink discloses the connecting means is flexible.

As to claim 7, Fink discloses the connecting means provides for adjustment of the first element relatively to the second element in one two or three dimensions.(col. 4, lines 30-43).

As to claim 9, Fink discloses the remote activation means is adapted to move the connecting means by use of electromotive force (128,129,130).

As to claims 10 and 11, Fink discloses a signal means (position of 65 and 67) adapted to indicate whether the first element is locked to or released from the second element.

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As to claims 12 and 13, Fink discloses the means for reporting damage or stress caused by the connecting means (fig 20) includes encryption.

Regarding claims 14 and 23, Fink discloses a method of fixing a first element (32) and a second element (35) via a connecting means (65,67). Fink discloses applying a remote activation means (130) to fix the first element to the second element wherein the connecting means is movable by remote activation means to a locked position in which the first element is fixed to the second element. Fink discloses the connecting means is movable by the other remote activation means (129) to an unlocked position in which the first element is released from the second element. Fink discloses no material connection between the remote activation means and the connecting means.

As to claim 15, Fink discloses the first element is aligned with the second element before the remote activation means is applied to the fix the first element to the second element.

As to claim 16, Fink discloses the movement of the connecting means to the locked position causes no damage to the first element.

As to claim 17, Fink discloses the first element is fixed to more than one second element (35,33).

As to claim 18, Fink discloses the second element is fixed to more than one first element (32,41).

As to claim 19, Fink discloses a plurality of first elements fixed to a plurality of second elements.

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As to claim 21, Fink discloses the first elements are not identical.

As to claim 40, Fink discloses the connecting means is capable of relating whether the first element is fixed to the second element, whether the first element is released from the second element and whether the connecting means has been damaged (visually to the operator).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawasaki et al. U.S. 4,767,337 discloses a power-connection mounting device. Kanter et al., U.S. 5,387,110; Walburn et al., U.S. 5,241,451 and Woods, U.S. 4,934,885 disclose a similar device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications and 703 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-2168.

KT
August 9, 2002



Lynne H. Browne
Supervisory Patent Examiner
Group 3600